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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,551	01/26/2001	Brian L. Arend	1801/USW0596PUS	6404

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QWEST COMMUNICATIONS INTERNATIONAL INC
LAW DEPT INTELLECTUAL PROPERTY GROUP
1801 CALIFORNIA STREET, SUITE 3800
DENVER, CO 80202

EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT	PAPER NUMBER
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2617

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05/20/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/770,551	Applicant(s) AREND ET AL.	
	Examiner MELODY MEHRPOUR	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9, 11, 13-17, 19 and 21 is/are rejected.
- 7) ☒ Claim(s) 8, 10 and 18, 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In view of the Appeal Brief filed on 3/27/08, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/DWAYNE D. BOST/
Supervisory Patent Examiner,
Art Unit 2617.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identify disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the

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prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1, 4, 13, 15**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris et al. (US Patent Number 6,222,458 B1) in view Lipovski (US Patent 6,675,002 B1).

Regarding claims 1, 13, Harris teaches a method/system for inhibiting wireless telecommunication within a limited region (protected area, col 3 lines 21-24) of the telecommunication coverage (1-6 miles),(see figure 1, col 2 lines 20-30) comprising:
generating a noise signal (alarm or white/pink noise) within a frequency range (cellular phone frequency of interest), (col 3 lines 45-53) the wireless telecommunications device (cellular phone in the vehicle) broadcasting the noise signal (white noise) in to region 200 (see figure 2, col 3 lines 3-13).

Harries fails to specifically mention that a broadcasting the plurality of noise signals from different locations into the region such that the telecommunications is inhibited in the overlap of the broadcasted noise signal into the region. However, Lipovski teaches that a broadcasting the plurality of noise signals from different locations into the region such that the telecommunications is inhibited in the overlap of the broadcasted noise signal into the region (col 3 lines 15-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of

Lipovski with Harris, in order to control restricted device in the restricted area such as an airport jetway.

Regarding claims 4, 15, Harris teaches a method/system wherein the wireless telecommunications is through spread spectrum (CDMA), the noise signal generated substantially across the spread spectrum (CDMA) (col 1 lines 45-54). The CDMA is known as the principle of the spread spectrum communications properties.

3. **Claims 2, 14**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris et al. (US Patent Number 6,222,458 B1) in view of Lipovski (US Patent 6,675,002 B1) in further view of Richardson (US Patent Number 4,498,193).

Regarding claims 2, 14, Harris teaches a method/system for inhibiting wireless telecommunications comprising: a jammer which is driven by white or pink noise from noise generator 226. RF transmitter 228 transmits white or pink noise across the entire frequency band over which cellular phone transmit and receive (col 3 lines 45-53).

White noise is spread in the wideband spectrum. Harris modified by Lipovski does not specifically mention a band pass filter accepting the wideband noise signal and producing the noise signal within the frequency range of the wireless telecommunication. However Richardson teaches a noise generate 1 which is arranged to produce a signal at 25 kHz (wideband) (see figure 1, col 2 lines 52-68, col 3 lines 3-5), and a bandpass filter 4, that accepts the wideband noise signal and

produces the noise signal within the frequency range of the wireless telecommunication (col 1 lines 45-61, col 2 lines 3-6). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Richardson with Harris modified by Lipovski, in order to provide a front end receiver for a wideband communication signal which is easy to implement and over comes signal gain.

4. **Claims 3, 5-6, 16,** are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris et al. (US Patent Number 6,222,458 B1) in view of Lipovski (US Patent 6,675,002 B1) in further view GEYRA (International Publication WO 98/34412).

Regarding claim 3, Harris teaches a method for inhibiting wireless telecommunication system comprising: broadcasting a noise signal (col 2 lines 19-20). Harris modified by Lipovski fails to teach that the telecommunication system broadcasts noise via at least one directional antenna to inhibit communication within a limited region. However GEYRA teaches a telecommunication system for inhibiting wireless communication that includes broadcasting noise via at least one directional antenna to inhibit communication within a limited region (page 3 lines 13-18). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of GEYRA with Harris modified by Lipovski, in order to provide disabling a wireless cellular phone that is restricted to a specific confined area.

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Regarding claim 5, Harris modified by Lipovski fails to teach a method/system wherein controlling broadcasting a noise signal based on a public event. However GEYRA teaches a communication method/system wherein controlling the broadcasting of a noise signal is based on a public event (col 3 lines 13-18). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of GEYRA with Harris modified by Lipovski, in order to restrict for the operation of the cellular phone within public areas.

Regarding Claims 6, 16, Harris modified by Lipovski fails to teach a method wherein broadcasting of a noise signal is automatically based on at least one condition of the public event. However GEYRA teaches a method wherein broadcasting of a signal is automatically (page 1 lines 17-21, page 3 lines 14-19) based on at least one condition of a public event (page 6 lines 5-8). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of GEYRA with Harri modified by Lipovski, in order to warn the user that the cellular phone does not operate in prohibited areas, such as public gatherings.

5. **Claims 7, 9, 17, 19,** are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris et al. (US Patent Number 6,222,458 B1) in view Lipovski (US Patent 6,675,002 B1) in further view of Purvulescu et al. (US Patent 6,687,497).

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Regarding claims 7, 9, 17, 19, Harris modified by Lipovski does not specifically mention a method/system for inhibiting wireless telecommunications wherein the region is inside of vehicle, and the vehicle is an automobile vehicle. However, Purvulescu teaches a method/system for inhibiting wireless telecommunications wherein the region is inside of vehicle, and the vehicle is an automobile vehicle (col 3 lines 15-56). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Purvulescu with Harri modified by Lipovski, in order to enhance public safety including a jamming equipment with in vehicles to disable communication.

Regarding claims 11, 21, Harris teaches a method/system for inhibiting wireless telecommunications (col 2 lines 51-53) comprising: controlling broadcasting the noise signal based on detecting at least one condition (presence of RF emission, when vehicle entering the gas station) of the automotive vehicle (col 3 lines 3 lines 5-11, lines 20-24).

Allowable Subject Matter

6. **Claims 8, 10, 18, 20**, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments with respect to claims 1-9, 11, 13-17, 19, 21, have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Steer et al. (US Patent 6,343,213 B1) disclose method to protect against interference from mobile radio

Ranta (US Patent 6,832,093 B1) disclose system and method for restricting the operation of a radio device within a certain area

9. **Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913. The examiner can normally be reached on 8:00- 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost be reached (571) 272-7023.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Naghmeh Mehrpour/

Primary Examiner, Art Unit 2617

May 12, 2008